IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CIVIL ACTION NO. 5:16-CV-060-DCK

JERRY D. WHISNANT,)
Plaintiff,)
v.) ORDER
CAROLYN W. COLVIN,))
Defendant.)
)

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 15) filed October 19, 2016. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion, the record, and noting consent of Defendant's counsel, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that "Plaintiff's Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 15) is **GRANTED** to the extent that the Court will award attorney fees in the amount of \$4,900.00, and that pursuant to <u>Astrue v. Ratliff</u>, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay the

awarded fees directly to Plaintiff's counsel. <u>See</u> (Document No. 15-2). No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: October 21, 2016

David C. Keesler

United States Magistrate Judge